



COMMONWEALTH OF MASSACHUSETTS
Board of Registration
of
Hazardous Waste Site Cleanup
Professionals

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PROFESSIONAL CONDUCT COMMITTEE

Minutes of Meeting on July 30, 2007

[Approved on September 12, 2007]

Prepared by: **Lynn Peterson Read**

Meeting Location: New Bedford Whaling Museum
18 Johnny Cake Hill
New Bedford, Massachusetts

- 1. Call to Order:** Robert Luhrs called the meeting to order at 12:56 p.m. Also present were Gail Batchelder, Janine Commerford, Kirk Franklin, Christophe Henry, Gretchen Latowsky, Debra Phillips, and Kelley Race. Committee members absent: Deborah Farnsworth, Debra Stake, and Paul Mullen. Staff members present were Allan Fierce, Lynn Read, Brian Quinlan, Terry Wood, and Alan Wyman. Also present were Carl Shapiro of the LSP Association, and Maria Pinaud, Lisa Alexander, and Deborah Marshall of MassDEP.
- 2. Announcements:** Mr. Fierce notified the Committee that after talking with both parties, the staff determined that Complaint No. 07C-06, received by the Board on June 5, 2007, was solely a fee dispute outside the jurisdiction of the Board, and thus the staff had dismissed the Complaint.
- 3. Previous Minutes:** The draft minutes of the meeting held on June 20, 2007, were approved with corrections. In addition, corrections to the minutes of the meeting held May 23, 2007, were approved.
- 4. Old Business**

A. Status of CRTs

At Mr. Luhrs's request, the chair of each CRT reported on progress made during the last month. The Committee and the staff discussed the need to develop a format in which to record the actions and factors that affect the progress of the investigation against the deadlines set forth in Board Policy 2007-1.

B. Website Subcommittee

Ms. Commerford reported that the Website subcommittee has not had an opportunity to meet to consider the issue that the Committee had referred to it, namely, when new complaints should be listed on the Board's Website. Most of the members of the Website subcommittee also serve on the Board's Exam subcommittee, which has been meeting frequently to develop the next version of the exam. Ms. Commerford will collect the opinions of the Website subcommittee members on the issue of posting new Complaints to the Web, and she will report to the Committee at a future meeting.

C. Update re: Planning Meeting with Division of Administrative Law Appeals (DALA)

Mr. Fierce reported that recently, the Secretary of Administration and Finance appointed Shelly Taylor as DALA's chief administrative magistrate. Because Ms. Taylor has yet to begin working at DALA, Mr. Fierce has not yet arranged a meeting between the new chief magistrate and the co-chairs of the Committee, to address the fact that DALA magistrates have not yet issued recommended decisions in two cases in which the hearings occurred 18 months ago or more. The Committee requested that Mr. Fierce arrange the meeting soon after Ms. Taylor has taken her position at DALA.

D. Review of Draft Letter Regarding Advisory Ruling Request

The Committee voted unanimously to table its discussion of the draft letter responding to the request by Lawrence Feldman for an advisory ruling, thereby allowing the Board to discuss it later in the afternoon.

5. New Business

A. Complaint No. 07C-06

As noted above at item 2, the staff dismissed Complaint No. 07C-06 as a fee dispute outside the jurisdiction of the Board

B. Complaint No. 07C-07

Having reviewed a redacted copy of Complaint Nos. 07C-07 and a memorandum from Mr. Fierce dated July 23, 2007 regarding Complaints Nos. 07C-07 and 02C-04, the Committee voted unanimously to accept Complaint No. 07C-07 for investigation, and assign it to the existing CRT investigating Complaint No. 02C-04. The Committee's copies of the new

Complaint and Mr. Fierce's memorandum did not include the names of any parties, the site, or the municipality.

- 6. Future Meetings:** The Committee will not meet in August, and will next meet on September 12, 2007, at the Roche Family Community Center in West Roxbury.
- 7. Adjournment:** The meeting was adjourned at approximately 1:52 p.m.